



Chair Phil Isenberg
Delta Stewardship Council
650 Capitol Mall, Fifth Floor
Sacramento, CA 95814

Sent by email to: interimplan@deltacouncil.ca.gov

May 12, 2010

Dear Chair Isenberg:

Thank you for the opportunity to provide comments on the Delta Stewardship Council's (the Council) proposed "Draft Outline of Interim Plan" (Interim Plan).

The City of Antioch (Antioch) has reviewed the Council's Draft Interim Plan and respectfully submits its comments, which are focused not on what projects to proceed with, but rather on how these projects are analyzed and how they will integrate into the Delta Plan.

We ask that the Council consider not only direct impacts, but also the cumulative impacts of the 2-Gates, Three-Mile Slough, BDCP and other projects being considered in the context of the Delta Plan and its implementing Legislation. We request that the Council consider whether analyses of direct and cumulative impacts of these projects are being adequately considered and mitigated, as required by the implementing Legislation. These analyses must include consideration of the direct and cumulative impacts upon Western Delta water quality, flow and public trust resources.

Cumulative Impacts of Projects have not been fully analyzed by any of the interim projects or within BDCP - How will the Interim Delta Plan and the Delta Plan ensure that the cumulative impacts are addressed in the environmental documents and do not result in improper segmentation of environmental analyses?

Direct Impacts of the Projects upon City of Antioch's water supply and economy- The preliminary environmental analysis and documents prepared to date for the Three-Mile Slough, 2-Gates Projects and the BDCP (Projects) show potential adverse direct impacts upon Western Delta water quality and flow and to its economy, therefore impacting the City of Antioch's municipal uses and public trust resources.

Three-Mile Slough- The Three-Mile Slough project anticipates a barrier across the Three-Mile Slough.

- The City of Antioch holds water rights to Sacramento River flow through Three-Mile Slough.
- What protections, mitigations, and assurances will the Council/Delta Plan provide to ensure the City of Antioch's water rights are not impacted by this project?

2-Gates Project

- The 2- Gates Project has discussed a possible future barrier across Georgiana Slough. The City of Antioch holds water rights to Georgiana Slough (see fn. 1)
- The initial environmental review (EA) did not consider the potential cumulative impacts from this project.
- What protections, mitigations, and assurances will the Council/Delta Plan provide to ensure the City of Antioch's water rights are not impacted by this project?

BDCP

Initial modeling for the Bay-Delta Conservation Plan (BDCP) shows potential adverse water quality impacts to the Western Delta.

- The Effects Analysis modeling has shown that X2 may move farther to the east as the result of the project, resulting in direct impact to Antioch's water quality.
- Will the environmental reviews of the Three-Mile Slough and 2 Gates Projects require the consideration of the BDCP (such as the movement of X2) in the potential cumulative impacts and vice versa?
- How will the BDCP be incorporated into the Delta Plan if the BDCP will result in impacts contrary to the goals and policies of the Delta Plan and its implementing legislation?
- Will the Council/Delta Plan require mitigation of these impacts prior to incorporation of the BDCP into the Delta Plan?

Direct and Cumulative Impacts of the Projects:

- How will the Delta Plan and the Delta Stewardship Council ensure that analysis and mitigations for these direct and cumulative impacts to water quality, flow and public resources be provided as stated in the Legislation?
- What performance or mitigation standards will the Delta Plan require for these projects, during environmental review of these projects?

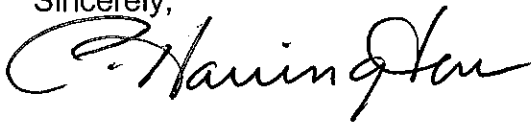
¹ The City's pre-1914 river diversion rights are among the highest priority rights in the Delta and have been validated as a matter of law by the California Supreme Court (Town of Antioch v. Williams Irrigation District (1922) 188 Cal. 451). The City's Delta water rights include the right to Sacramento River flow into the Delta including Sacramento River flow from Georgiana and Three Mile Sloughs.

SWRCB Flow Criteria and the Projects:

- How will the forthcoming SWRCB Delta Flow Criteria be considered with respect to the 2-Gates Project, Three Mile Slough Project, and BDCP – or any other projects considered by the Interim Plan?
- How will the Council incorporate and apply the Flow Criteria within the Interim Plan and the Delta Plan?

The City of Antioch thanks the Delta Stewardship Council for its consideration of the City's comments. The City looks forward to working with the Council as it develops the Interim Delta Plan and the final Delta Plan.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Harrington", written in a cursive style.

Phillip L. Harrington
Director of Water Rights